

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

COLORADO SYMPHONY
ASSOCIATION,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent.

Case No. 18-1189

Consolidated with 18-1194

**UNOPPOSED MOTION FOR
MODIFICATION OF THE
BRIEFING SCHEDULE AND
TO HOLD THE CASE IN
ABEYANCE TO
ACCOMMODATE A PENDING
MEDIATION**

**Unopposed Motion for Modification of the Briefing Schedule and to Hold the
Case in Abeyance to Accommodate a Pending Mediation.**

Petitioner Colorado Symphony Association (“Petitioner” or “CSA”), submits this Unopposed Motion for Modification of the Briefing Schedule and to Hold the Case in Abeyance to Accommodate a Pending Mediation (“Motion”).

1. This case is pending before the Court on CSA’s Petition for Review of the Decision and Order of the Respondent, National Labor Relations Board (“Board”) in NLRB Case Nos. 27-CA-140724, 27-CA-155238, 27-CA-161339, 27-CA-179032 and 27-CA-168029, and the Board’s cross-application for enforcement of the same matters, filed on July 20, 2018.

2. On September 27, 2018, the Court entered a briefing schedule, which set the deadline for Petitioner’s Opening Brief to be November 6, 2018, the Board’s

Brief to be filed by December 6, 2018, Intervenor's Brief to be filed by December 13, 2016, and Final Briefs to be filed January 17, 2019.

3. On September 11, 2018, the parties opted into the Court's mediation program. As part of the mediation program, on October 12, 2018, the parties participated in a preliminary telephone conference with the mediator. The parties are currently working to schedule an in-person mediation for the beginning of December.

4. In an effort to accommodate the mediation, the parties request that the Court hold this case in abeyance pending notice that mediation has either resulted in a settlement, or failed and should continue with briefing.

5. All parties – the CSA, the NLRB, and Intervenor American Federation of Musicians – consent to this Motion and the requested schedule change. The mediator also consents to the request.

Accordingly, in an effort to accommodate a pending mediation, the parties request that the Court hold this case in abeyance.

Respectfully submitted this 22nd day of October, 2018.

SHERMAN & HOWARD L.L.C.

s/ Patrick R. Scully

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CERTIFICATE OF SERVICE (CM/ECF)

I hereby certify that on October 22, 2018, I filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for District of Columbia Circuit by using CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/ Lynn Zola Howell

Lynn Zola Howell